

# Regulating Airbnb Rentals through Zoning in Connecticut

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## Issue

In the context of zoning regulations, do Airbnb rentals differ from traditional bed and breakfasts? Provide examples of how Connecticut municipalities are regulating Airbnb rentals.

## Summary

Airbnb is a platform that allows property owners to rent out rooms, suites, or entire dwellings, generally on a short-term basis (i.e., for fewer than 30 days). According to [slides](#) from a 2017 Connecticut Bar Association presentation, municipalities across the country use a variety of techniques to control Airbnb rentals, including:

1. durational caps on rentals;
2. caps on the number of days property may be rented during the year;
3. density controls;
4. special permit requirements;
5. parking requirements;
6. neighbor notification;
7. owner-occupancy requirements; and
8. distinguishing between single-family, multifamily, and mixed-use neighborhoods (*Id.* at slide 69).

To research how Airbnb rentals are regulated in Connecticut, we reviewed information available through the [Connecticut Planning Professionals listserv](#), a UConn-managed discussion forum for land use professionals. We also directly contacted certain municipalities for more information.

We identified only one Connecticut municipality, Hartford, that adopted a zoning regulation specifically regulating short-term rentals like Airbnb rentals. We provide a summary of the city's regulation below.

In other municipalities, hosted Airbnb rentals are often treated like bed and breakfasts (e.g., Canton, Kent, Newington, and Woodstock) or boarding houses (e.g., Canton and Kent). We found that zoning regulations generally did not address unhosted rentals (i.e., renting an entire property to guests); (but Hartford's regulation applies to hosted and unhosted rentals). Below, in Table 1, we provide (1) six examples of how zoning regulations apply to Airbnb rentals in Connecticut municipalities and (2) the municipality's definition of bed and breakfast, if one exists.

## **Hartford's Short-Term Rental Regulation**

Hartford's short-term rental regulation requires operators to obtain a zoning permit before offering short-term rentals and establishes limitations related to (1) rental frequency and rental length, (2) owner-occupancy, (3) maximum number of guests, and (4) rentals that become a nuisance to neighbors. The regulation defines short-term rentals as “[t]he temporary rental of part or all of a property to any temporary renters for no more than 21 cumulative days during any 6 month period, with no property being used for such temporary rental more than 3 times during any 6 month period.”

Under the regulation, no more than four adults, in addition to related minor children, may use a single dwelling unit as a short-term rental at the same time. The regulation sets minimum usable floor area requirements of 70 square feet for one person and 50 square feet for each additional person, including children age one or older. The property owner must host any short-term rentals operated on a lot with only a single-family home or in a single-family home district.

The regulation specifies that short-term rental operators must obtain a zoning permit from the city; permits are valid for three years. A special permit from the zoning commission is required if an operator seeks to exceed the regulation's default frequency and cumulative rental period limits. The city's zoning administrator may revoke a zoning permit or special permit if he or she learns that the rental has become a nuisance to neighbors ([Hartford Zoning Regs § 3.5.1\(E\)](#)).

# Regulation of Airbnb Rentals in Select Municipalities

Table 1: Select Municipalities' Definition of "Bed and Breakfast" and Regulation of Airbnb Rentals

<b>Canton</b>	<b><i>Bed and Breakfast, as Defined in Zoning Regulations</i></b>	<b><i>Regulation of Airbnb Rentals</i></b>
<b>Canton</b>	<p>"Overnight accommodations and a morning meal in a dwelling unit (B &amp; B) provided to transients for compensation" (two types: minor and major)  <a href="#">Regs § 2.2</a></p> <p>Minor (permitted as of right in residential zones): owner lives on the lot; limited to three guests; rented rooms must be accessed from within the structure; structure must meet lot area and dimensional requirements for the district; rented rooms cannot have cooking facilities  <a href="#">Regs § 3.3.B</a></p> <p>Major (permitted with zoning commission's site plan and special permit approval): operator lives on the lot; structure must meet lot area and dimensional requirements for the district; rented rooms cannot have cooking facilities; adequate water and sewage disposal; compatible with the character of the surrounding area; complies with any parking screening requirements; structure is approved by Fire Marshal and Building Official; may provide other services (e.g., banquet facilities, massages, restaurant)  <a href="#">Regs § 3.3.D</a></p>	<p>According to the Planning and Community Development Department, Airbnb rentals generally are regulated as bed and breakfasts or boarding houses</p> <p>A boarding house is permitted with the zoning commission's site plan and special permit approval in residential districts; defined as "[a]n owner occupied dwelling that provides for the renting of rooms or board to not more than three (3) paying guests, other than members of the owner's family"  <a href="#">Regs § 2.2</a></p> <p>Bed and breakfasts require a zoning enforcement official-issued permit and zoning commission's site plan approval in business and industrial districts  <a href="#">Regs § 4.1.B.5</a></p>
<b>Hartford</b>	<p>"A facility providing temporary lodging to the general public consisting of no more than 6 sleeping rooms with daily room cleaning services, without in-room kitchen facilities, in either an owner-occupied principal structure or in a principal structure on the same lot of an owner-occupied accessory structure"  <a href="#">Regs § 3.3.1(B)</a></p> <p>Among other requirements, a bed and breakfast must be located in a structure that is at least 75 years old, serve breakfast, and give guests access to guestrooms via a common space, not a separate exterior entrance  <a href="#">Regs § 3.3.1(B)</a></p>	<p>Airbnb rentals are generally regulated under the city's short-term rental provision, summarized above</p>
<b>Fairfield</b>	None	<p>Regulations allow property owners in most residential districts to take on up to two boarders, but lease period must be at least 30 days (in one residential district, a special permit is required before boarders can be taken on)  <a href="#">Regs §§ 31.2.19, 5.1.2, 10.4, 11.1.2</a></p>

Table 1 (continued)

	<i>Bed and Breakfast, as Defined in Zoning Regulations</i>	<i>Regulation of Airbnb Rentals</i>
<b>Kent</b>	<p>“A single-family dwelling in which the owner resides and in which sleeping accommodations and breakfast (but no other meals) may be provided to guests for compensation”  <a href="#">Regs § 2200</a></p> <p>Depending on the zone, bed and breakfasts may have a maximum of three to six guest rooms; sanitarian or sewer commission must certify that water and sewerage systems are adequate; screening may be required to create a buffer from neighboring uses  <a href="#">Regs § 6300</a></p>	<p>According to the Land Use Department, Airbnb rentals are not regulated if they are unhosted rentals; if the rental is hosted and breakfast is served, a special permit for a bed and breakfast is required; a special permit for a boarding house is required for other hosted rentals</p> <p>A boarding house is “[a] single-family dwelling in which the owner resides and in which rooms may be let and board may be furnished to not more than six individuals in addition to the owner's family”  <a href="#">Regs § 2200</a></p>
<b>Newington</b>	None	According to the Town Planner’s Office, neither bed and breakfasts nor Airbnb rentals are permitted in residential zones
<b>Woodstock</b>	<p>“[A] dwelling, in which lodging and meals are offered or provided for compensation to one to twelve persons for limited periods of time not exceeding 30 consecutive days; the owner shall live on the property”  <a href="#">Regs Art. II, Definitions</a></p>	<p>According to the Town Zoning Office, Airbnb rentals are considered to be bed and breakfasts and thus must obtain a zoning (home occupation) permit</p> <p>Requirements for home occupations include: (1) no more than half of the finished floor area of a dwelling unit may be used for the occupation and (2) the occupation is incidental and secondary to the residential use of the lot  <a href="#">Regs Art. VI, § E</a></p>

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